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IN THE MAGISTRATE COURT OF CLAYTON COUNTY

JAN 29 2018

STATE OF GEORGIA

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

ELIZABETH CRUIKSHANK,

)

BY AND THROUGH MAIN

)

STREETRENEWAL, LLC

)

STATE CASE NO.: 2018CM00517

Plaintiff,

)

Vs.

)

FEDERAL CASE NO.:

**1 18-CV-0443**

)

GREGORY MERITT

)

)

Defendant,

)

)

**NOTICE OF REMOVAL TO FEDERAL COURT**

TO PLAINTIFF **ELIZABETH CRUIKSHANK BY AND THROUGH MAIN STREET RENEWAL, LLC** AND ITS ATTORNEY OF RECORD:

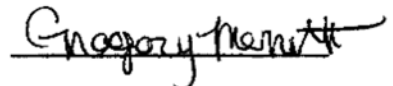
PLEASE TAKE NOTICE THAT a Petition for Removal of the above captioned state case (state case no. **2018CM00517**) was filed in the United States District Court for the Northern District of Georgia on 1/29, 2018. A copy of the said Notice of Removal is attached to this Notice, and is hereby served and filed herewith. **By the filing of this Notice with the Clerk of this state Court, together with the attached and corresponding petition and warrant for removal that was filed in the United States District Court prior, these state proceedings are now REMOVED, by automatic operation of federal law, and this Defendant now formally notifies the Court and all parties of that same fact, and pursuant**

to the express and specific language of 28 U.S.C. 1441, et seq., immediately upon the filing of this Notice, with the Clerk of this Court, this case has been already removed; the removal of jurisdiction from his Court is automatic by operation of federal law, and does not require any additional written order from the District Judge to cause this removal to become "effective" –the removal is an automatic judicial event, and immediate by operation of law.

WHEREFORE, the undersigned Defendant, notifies the Court and all other parties that this cause is now removed, that his court now has absolutely no jurisdiction for any judgement in this cause, bar none, unless and until the United States District Court may or may not remand, and further moves for all other relief that is just and proper in the premises.

DATED: 1-29, 2018

Respectfully submitted,



GREGORY MERITT

PRO SE

Gregory Meritt

1901 Sea Oats DR

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Hampton, Georgia 30228

Case 1:18-cv-00443-ELR Document 2 Filed 02/05/18  
MAGISTRATE COURT OF CLAYTON COUNTY, STATE OF GEORGIA  
DISPOSSESSORY PROCEEDING

Page 3 of 3

FILED  
CLAYTON COUNTY, GA  
1/9/2018 4:29:34 PM  
JACQUILINE D. WILLS  
CLERK MAGISTRATE COURT

MAIN STREET RENEWAL, LLC

6065 ROSWELL ROAD SUITE 680  
ATLANTA GA 30328 770.884.8184

VS

ALLISON BRAME, NICOLE MERITT, GREGORY MERITT, , ,  
AND ALL OTHER OCCUPANTS  
1901 SEA OATS DR  
HAMPTON GA 30228

CASE # 2018CM00517

Attorney: ELIZABETH  
CRUIKSHANK  
215235  
c2c/CRUIKSHANK ERSIN, LLC  
Evict #

Personally appeared the undersigned who upon oath says that he is **ATTORNEY** for plaintiff herein, and that defendant(s) is(are) in possession as tenant of premises at said address stated above, in Clayton County, the property of said plaintiff.  
FURTHER: **TENANT FAILS TO PAY THE RENT WHICH IS NOW DUE; POSSESSION;**

Plaintiff desires and has demanded possession of the premises and Defendant has failed and refused to deliver said possession.

**WHEREFORE, Plaintiff DEMANDS:**

- (a) Possession of the premises
- (b) Past due rent of \$ **3605.83** for the month(s) of **JANUARY; NOVEMBER; DECEMBER;**
- (c) Rent accruing up to the date of judgment or vacancy at the rate of \$ **48.23** per day
- (d) Other: \$ - **ATTORNEY FEES OF \$500.00, AND ALL COURT COSTS.**

"By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct."

Affiant: **ELIZABETH CRUIKSHANK**

**1/9/2018**

**SUMMONS**

**TO THE SHERIFF OF CLAYTON COUNTY OR HIS LAWFUL DEPUTIES**

**GREETINGS:** The defendant(s) is/are commanded and required to file an answer to said affidavit in writing or orally in person at the Magistrate Court of Clayton County, Jonesboro, Georgia on or before the seventh (7th) day after the date of service of the within affidavit and summons. **You may also answer online at [dispoanswer.com](http://dispoanswer.com) by 11:59 P.M. on or before the last day to answer this summons.** EACH defendant is required to file an answer in his or her own name. If such an answer is not made, a Writ of Possession and/or Judgment may issue as provided by law. Witness the Honorable Wanda L. Dallas, Chief Magistrate of said Court.

Deputy Clerk: *Jacqueline D. Wills*

**1/9/2018**

**SHERIFF'S ENTRY OF SERVICE**

I have served the foregoing Affidavit and Summons on the Defendant(s) by delivering a copy of same;

☐ PERSONALLY ☐ DEFENDANT NOT FOUND AT WITHIN ADDRESS ON SAID SUMMONS AND AFFIDAVIT

☐ NOTORIOUSLY (NAME) \_\_\_\_\_ Age \_\_\_\_\_ Wt. \_\_\_\_\_ Ht. \_\_\_\_\_

☒ **TRACK & MAIL** Posting a copy to the door of the premises and depositing a copy in the U.S. Mail, First Class in an envelope properly addressed after attempting personal service. Said copy containing notice to the Defendant(s) to answer at the hour and place in said summons.

DATE OF SERVICE: *1-11-18*

*LT 21* *12917* D/Sheriff

**IMPORTANT NOTICE**

Pursuant to Official Code of Georgia, Section 44-7-55(c), any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property; further, it provides that after execution of the writ, such property shall be regarded as abandoned. Pursuant to Code of Clayton County, Georgia, Section 82-91 et. seq., if such personal property is not removed from the landlord's property within twenty-four (24) hours of the date and time of the execution of the writ of possession, and if the property otherwise is in violation of the county code, a citation for violation of the county code may issue against the plaintiff.

**WRIT OF POSSESSION**

To the Sheriff of Clayton County or his lawful deputies:

You are hereby commanded to remove said defendant together with defendant(s)' property thereon from said premises and to deliver full and quiet possession of the same to the plaintiff herein; effective 1.) Instantly or 2.) Seven days from the date of judgment; or 3.) Pursuant to the terms of a consent judgment filed herewith.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Judge, Magistrate Court of Clayton County